THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27389 OF 2005

Dt.23.12.2005

Between:

Sri Lakshmi Narasimhaswamy Temple,

Mangalagiri, Guntur, rep. by its

Executive Officer. … Petitioner

And

The Commissioner of Endowments,

Government of Andhra Pradesh,

Hyderabad. … Respondent

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The petitioner is a temple. It is stated that the Executive Officer of the petitioner temple sought permission to sell certain lands of the temple by way tender-cum-public auction and accordingly the said proposals were recommended by the Deputy Commissioner, Endowments Department, Guntur vide proceedings in Rc.No.A4/ 1702/03 dated 28.1.2004 according permission under Section 80(1) of Act 30 of 1987 to the Executive Officer of the petitioner temple to sell the lands in question in tender-cum-public auction after following the rules in force. The particulars of the lands are Ac.3.93 cents in D.No.19 and Ac.4.32 cents in D.No.55. It is further directed to follow the conditions issued in circulars from to time and the provisions of the Act and rules

made thereunder. It is stated that pursuant to the said permission, paper notification was issued on 2.3.2005 to conduct public auction on 25.5.2003, but on that date sufficient bidders were not came forward and the same was postponed. It is stated that a Division Bench of this Court by order 7.6.2005 in W.P.M.P.No.15055 of 2005 in W.P.No.11812 of 2005 directed that no sales of endowments lands shall be effected without the permission of this Court until further orders. It is further stated that the said interim order was clarified in W.P.M.P.No.30112 of 2005 in W.P.No.23453 of 2005 on 22.11.2005 making it clear that the sales arising out of compromise or negotiations shall remain stayed in terms of the earlier order dated 7.6.2005, but there cannot be any restriction for effecting sales made by the temples or endowments by way of public auctions.

Having regard to the facts and circumstances of the case, I am of the opinion that the apprehension of the petitioner that the petitioner temple cannot dispose of the land by way of tender-cum-public auction is without any foundation. As the permission was already granted in favour of the petitioner by the Commissioner, Endowments Department, vide proceedings dated 2.2.2005 and as per the clarified orders of the Division Bench of this Court dated 22.11.2005 in W.P.M.P.No.30112 of 2005 in W.P.No. 23453 of 2005, there cannot be any restriction for the petitioner temple to dispose of the said lands by tender-cum-public auction by giving wide publicity and by following the procedure prescribed under the rules.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

23.12.2005

Note: Issue copy within two days

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